CAROL A. SOBEL SBN 84483
MONIQUE A. ALARCON SBN 311650
725 Arizona Avenue, Suite 300
Santa Monica, CA 90401
t. 310.393.3055
e. carolsobel@aol.com
e.monique.alarcon8@gmail.com

Attorneys for Plaintiff Rex Schellenberg

MICHAEL N. FEUER, City Attorney
JAMES P. CLARK, Chief Deputy City Attorney
GABRIEL DERMER, Managing Assistant City Attorney (SBN 229424)
FELIX LEBRON, Deputy City Attorney (SBN 232984)
Business and Complex Litigation Division
200 North Main Street, Room 675
Los Angeles, California 90012
Telephone: (213) 978-7559
Facsimile: (213) 978-7011
Felix.Lebron@lacity.org

Attorneys for Defendant the City of Los Angeles

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

REX SCHELLENBERG, an individual Plaintiff, v. THE CITY OF LOS ANGELES, a municipal entity, DOES 1-10, Defendant.	**CASE NO.: 2:18-cv-07670-CAS-PLA** **[*Assigned to the Hon. Christina A. Snyder]*** **JOINT RULE 26(f) REPORT RE EARLY MEETING OF COUNSEL (F.R.Civ.P. 26(f); L.R. 26-1)** Date: June 3, 2019 Time: 11:00 a.m. Ctrm: 8B Judge: Hon. Christina A. Snyder Action filed: Sept. 3, 2018 Conference Held: May 15, 2019

Pursuant to Federal Rule of Civil Procedure ("F.R.Civ.P.") 26(f); Central District Local Rule ("L.R.") 26-1, and this Court's Civil Standing Order dated February 26, 2019 (Dkt. No. 15), Plaintiff Rex Schellenberg ("Plaintiff" or "Schellenberg") and Defendant City of Los Angeles ("Defendant" or "City") submit this Joint Rule 26(f) Report regarding Early Meeting of Counsel.

I. RULE 26 DISCOVERY PLAN

The parties submit the following discovery plan pursuant to Rule 26(f):

A. Initial Disclosures

The parties agree that no changes should be made to the form or requirement for disclosures under F.R.Civ.P. 26(a)(1). The parties shall serve their respective initial disclosures on or before May 27, 2019.

B. Discovery

The parties propose the following regarding discovery:

1. Discovery Topics and Scope

Plaintiff contemplates that he will need discovery on the following topics: The City's, including the Bureau of Sanitation and LAPD, records, incident reports, files, documents, pictures and videos regarding the alleged incidents, and the seizure, storage, destruction or return of Plaintiff's personal property. In addition, the City's policies, practices, and customs relating to the seizure, storage, return and/or destruction of personal property, including under Los Angeles Municipal Code ("LAMC") § 56.11 and the City's standard operating protocols for LAMC § 56.11

Defendant contemplates that the City will need discovery on the following topics: Plaintiff's alleged incidents and any documents, pictures, or videos relating to the incidents, Plaintiff's medical records or other evidence establishing Plaintiff's alleged disability or disabilities, Plaintiff's eligibility for Section 8, Plaintiff's storage unit, and the basis for and calculation of Plaintiff's alleged damages.

Following the parties' service of their respective initial disclosures, the parties have agreed to temporarily refrain propounding subsequent discovery in order to pursue

settlement discussions and conserve party resources while the parties attempt to resolve and/or settle the disputed claims or, alternatively, to narrow the number of disputed claims or incidents.

The parties otherwise agree that any discovery need not be completed in phases.

2. Discovery Cut-Off and Completion Dates

The parties' proposed discovery cut-off date is March 6, 2020. The parties' proposed cutoff for serving supplements under Rule 26(e) and pretrial disclosures under Rule 26(a)(3) is March 30, 2020.

C. Disclosure or Discovery of Electronically-Stored Information

The parties have agreed to accept service pursuant to F.R.Civ.P. 5(b)(2)(F) via email addressed to counsel of record for all discovery requests and responses and to accept electronic production of documents in portable document format (PDF). The parties have also agreed to service of videos in either DVD format or electronically via MP4 files.

D. Procedures for Resolving Disputes Regarding Privilege Claims

The parties agree that the procedures under Rule 26(b)(5) shall apply to claims of privilege and protection of trial-preparation materials. The parties have further agreed to include a provision addressing the process for raising claims relating to privileged materials and/or the claw-back of inadvertently produced privileged material in the parties' proposed stipulated protective order, addressed in Section I.F below.

E. Discovery Limitations

The parties do not propose any changes to the discovery limitations imposed under the F.R.Civ.P. or Local Rules.

F. Other Orders under Rule 26(c) or Rule 16(b)

The parties have agreed to submit a stipulated protective order under Rule 26(c) to address, among other discovery, the production and/or use of discovery and evidence regarding Plaintiff's medical records and history, or for City records or personnel files expressly protected under California Penal Code § 832.7, California Evidence Code §§

1043, 1047, and/or under the federal privilege law. The protective order will comply with the Court's rules for issuing a protective order. In addition, the parties' proposed stipulated protective order will include a process for raising claims regarding the assertion of privilege or for the claw back of inadvertently produced privileged information pursuant to Rule 26(b)(5). The parties request that Court approve the parties' stipulated protective order after it is filed.

II. <u>THE MATTER IS NOT COMPLEX</u>

The parties agree that this case is not complex and does not require the use or adoption of any of the procedures in the Manual for Complex Litigation.

III. <u>MOTION SCHEDULE</u>

The parties' proposed motion cut-off date is March 23, 2020.

Plaintiff and Defendant each contemplate filing motions for summary judgment or partial summary judgment before the motion cut-off date.

IV. <u>ADR</u>

The parties have conducted preliminary discussions regarding the resolution and/or narrowing of the disputed claims in the action. The parties have agreed to conduct further discussions to explore options for early settlement and/or resolution of the entire action, or narrowing of the disputed claims, following the parties' service of their respective initial disclosures.

If the parties' informal settlement discussions reach an impasse, the parties have agreed to use ADR Procedure No. 3, private mediation. The parties' proposed ADR completion date is January 13, 2020.

V. <u>TRIAL ESTIMATE</u>

Plaintiff and Defendant have each requested a trial by jury. The parties estimate that a trial should take no more than five days or 40 hours to complete.

VI. <u>ADDITIONAL PARTIES</u>

The parties do not anticipate that any additional parties will be added to this case. The parties' proposed last day to amend pleadings or join parties is November 4, 2019.

VII. EXPERT WITNESSES

The parties' proposed deadline for serving expert disclosures under Rule 26(a)(2)(D)(i) is January 13, 2020. The proposed deadline to serve any expert rebuttal reports under Rule 26(a)(2)(D)(ii) is February 10, 2020. The parties request that the expert disclosure dates be set with sufficient time to conduct expert discovery and/or depositions before the discovery cut-off date.

VIII. JOINT PROPOSED SCHEDULE

The parties' joint proposed schedule for the Court's scheduling order is provided in the table below.

Event	Joint Proposal
Trial (5-day/40-hour jury trial)	May 18, 2020
Final Pretrial Conference	April 20, 2020
Last Day to Lodge Pretrial Conference Order (L.R. 16-7.1)	April 9, 2020
Last Day to File Memorandum of Contentions of Fact and Law (L.R. 16-4), Witness List (L.R. 16-5), and Joint Exhibit List (L.R. 16-6)	March 30, 2020
Motion Cut-Off Date	March 23, 2020
Pretrial Disclosures/Supplements (Rule 26(a)(3)(B) and Rule 26(e))	March 20, 2020
Discovery Cut-off Date	March 9, 2020
Expert Rebuttal Disclosures Date (Rule 26(a)(2)(D)(ii))	February 10, 2020
ADR Completion Date – ADR Option 3 (L.R. 16-15.2)	January 13, 2020
Expert Disclosures Date (Rule 26(a)(2)(D)(i))	January 13, 2020
Last Day to Amend Pleadings or Join Parties	November 4, 2019
Rule 26(a) Initial Disclosures	May 27, 2019

///

DATED: May 20, 2019

LAW OFFICE OF CAROL A. SOBEL

By: /s/
CAROL A. SOBEL
Attorney for Plaintiff
REX SCHELLENBERG

DATED: May 20, 2019

MICHAEL N. FEUER, CITY ATTORNEY
JAMES P. CLARK, Chief Deputy City Attorney
GABRIEL S. DERMER, ASST. CITY ATTORNEY
FELIX LEBRON, DEPUTY CITY ATTORNEY

By: /s/
FELIX LEBRON
Deputy City Attorney
Attorney for Defendant
CITY OF LOS ANGELES

All parties concur in the form and content of this filing and have authorized the use of their electronic signatures for filing this document. (L.R. 5-4.3.4(a)(2)(i))